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| 09/618,516 | 07/18/2000 | Gary E. Lavelle | LOCK/170/US | 9389 |
| 23409 | 7590 | 02/28/2006 | EXAMINER | |
| MICHAEL BEST & FRIEDRICH, LLP | | | VU, THONG H | |
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| MILWAUKEE, WI 53202 | | | ART UNIT | PAPER NUMBER |

2142

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,516

Applicant(s)

LAVELLE ET AL.

Examiner

Thong H Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 1-49 are pending.
2. In view of the new found prior arts: Joao, Frolov-Kucharczyk, PROSECUTION IS HEREBY REOPENED. The previous allowance has been withdrawn and a new Final Action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-49 are rejected under the judicially created doctrine of double patenting over claims 1-20 of U. S. Patent No. 6,330,817 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

(Application.Claim 1) An internet based access point management system accessible by at least one internet web browser configured to communicate one or more requests comprising modifying operation of one or more computer managed openings located at one or more facilities, each facilities having at least one access point, an access point referring to a location containing a selectively controllable opening, the internet based access point management system comprising:

- at least one computer processor ;
- a web server operative with the at least one computer processor and being configured to receive and respond to the one or more requests communicated from the at least one web browser;

- a database server operative with the at least one computer processor;

- an application server operative with the at least one computer processor and being configured to communicate with the web server and the database server for processing requests, the processing of requests comprising formulating one or more system commands in response to the one or more requests;

- a communication link configured to connect the application server and the one or more computer managed openings for communication there between, the communication comprising the one or more system commands which modify operation of one or more computer managed openings;

- wherein at least one of the one or more computer managed openings comprises a computer being selectively interconnected with at least one electronically controlled locking device, and wherein the access point is selectively lockable using at least one of the at least one electronically controlled locking device.

('817. Claim 10) A locking mechanism for engaging a strike, the locking mechanism comprising:

- a frame having a receptacle configured to receive the strike;

- an operator mounted to said frame such that said operator may move at least between a retracted position and an extended position, said operator being configured for engaging the strike when the operator is disposed in the extended position;

- a motor for driving a drive shaft;

- a spring shaft having a first end and an axially spaced second end, the first end being engageable with said drive shaft; and

- a coupling rotatably mounting the second end of said spring shaft relative to said frame, said coupling comprising a slide interconnected with said second end of said spring shaft, said slide being configured to axially move in response to tension or compression in said spring shaft;

- wherein said operator is configured to engage individual coil faces of said spring shaft during rotation thereof whereby said operator is resiliently urged by said spring shaft towards the extended or retracted position.

18. A system comprising a plurality of locking mechanisms comprising:

- a computer system for controlling operation of each of the locking mechanisms via selective actuation of each of said motors, said computer system establishing selectively definable groups of locking mechanisms, one group of locking mechanisms being further controllable individually via remote access devices and a second group locking mechanisms is controllable solely by the computer system.

19. the computer system actuates particular locking mechanisms depending upon time of day.

It was obvious to a ordinary skilled in the art at the time of invention to enhance the control process of the lock in '817 by using the Internet lock control system taught by '873 to control multi facilities as discloses by '873 [col 3 lines 47-50].

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-49 are rejected under 35 U.S.C. § 102(b) as being participated over Joao [5,917,405].

5. As per claim 1, Joao discloses an internet based access point management system accessible by at least one internet web browser configured to communicate one or more requests comprising modifying operation of one or more computer managed openings located at one or more facilities, each facilities having at least one access point, an access point referring to a location containing a selectively controllable opening, the internet based access point management system comprising:

at least one computer processor [the CPU, col 49 lines 54-64];

a web server operative with the at least one computer processor and being configured to receive and respond to the one or more requests communicated from the at least one web browser [Web site 954, user computer 150, Fig 11B];

a database server operative with the at least one computer processor [database 25, col 26 lines 47-62; database 35, col 27 lines 20-40; database 155, col 28 lines 1-13];

an application server operative with the at least one computer processor and being configured to communicate with the web server and the database server for processing requests, the processing of requests comprising formulating one or more system commands in response to the one or more requests [server 953, Fig 11B];

a communication link configured to connect the application server and the one or more computer managed openings for communication there between, the communication comprising the one or more system commands which modify operation of one or more computer managed openings [alternator operation, col 24 lines 5-15; operation to updated global position calculations, col 26 lines 47-62];

wherein at least one of the one or more computer managed openings comprises a computer being selectively interconnected with at least one electronically controlled locking device, and wherein the access point is selectively lockable using at least one of the at least one electronically controlled locking device [electronic controlled locking devices, col 24 lines 16-31; col 52 lines 10-25; col 63 lines 40-57; col 68 lines 58-65].

6. Claims 21,34,36 contain the similar limitations set forth of method claim 1.

Therefore, claims 21,34,36, are rejected for the similar rationale set forth in claim 1.

7. As per claim 4, Joao discloses the system commands modify operation of the one or more computer managed openings in order to perform at least one of the functions selected from the group consisting of assigning a user's access credentials, grouping a user's access privilege with a respective access point and scheduling time events [Joao, a selected and predetermined time interval, col 43 lines 30-47].

8. As per claim 5, Joao discloses the processing of the one or more requests by the application server also comprises assembling a response for communication to the web server [Internet server 952 and associated server 953, Fig 11B].

9. As per claims 2,21 Joao discloses each electronically controlled locking device comprises a controller and a lock [Joao, electronic controlled locking devices, col 24 lines 16-31; col 52 lines 10-25; col 63 lines 40-57; col 68 lines 58-65];

However Joao does not detail the Internet connection or the communication link comprises a mail server operative with the at least one computer processor and being configured for communication of electronic messages in electronic mail format over the internet;

a local mail server or mail client operative with another computer processor and being configured to receive the electronic messages in electronic mail format over the internet from the mail server; and

a local gateway configured to communicate with the local mail server and the controllers; and the application server is configured to incorporate system commands into electronic messages in electronic mail format and to communicate with the mail server

A skilled artisan would have motivation to improve the communication link over Internet and found Edmonds teaching. Edmonds discloses a shared file storage for clustered system including web server email server, gateway and lock management [Edmonds, email server and lock management, col 4 line 58-col 5 line 2; Web server and gateway, col 8 lines 42-56].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the email server with lock management as taught by Edmonds into the Joao's apparatus in order to utilize the web links. Doing so would extend the communications by using the email format.

10. As per claims 3,22 Joao-Edmonds disclose a power supply; a transceiver for communication with the local gateway; a processor energized by the power supply and connected in circuit with the transceiver; non-volatile memory connected in circuit with the processor; a clock connected in circuit with the processor; an input port for receiving user input; and an output port for connection to the lock, the lock being mechanically connected to the access point as inherent features of a gateway.

11. As per claim 6, Joao-Edmonds disclose the database server stores one or more of the following: individual local gateway electronic mail address, software components, gateway configuration database, individual computer managed opening identification, CMO firmware, CMO configuration and gateway and controller onboard databases as inherent features of database server.
12. As per claim 7, Joao-Edmonds disclose the database comprises a user database comprising user group layers, user groups related to particular user group layers and users related to particular user groups; an access type database comprising readers; an access point database comprising access point groups with particular access points related thereto and to a computer managed opening type; an operator database comprising operators being related to user group layers and particular user groups, the operators also being related to access point groups and access points; a local gateway database comprises computer managed opening type; and wherein the users are related to a particular access type and the user groups are related to a particular access point, the computer managed opening type is related to particular readers, configuration database and time management of each access point and/or access point grouping as inherent features of database server.
13. As per claims 8,24 Joao-Edmonds disclose the local gateway comprises a gateway server component and an electronic mail agent component as inherent features of gateway.

14. As per claim 9, Joao-Edmonds disclose the local gateway converts the electronic messages from the electronic mail format to LonTalk protocol as inherent features of gateway.

15. As per claims 10,25 Joao-Edmonds disclose a command string comprising a command identification, a length of one or more commands and at least one command as inherent features of command code [Joao, command code, col 31 lines 45-55].

16. As per claim 11, Joao-Edmonds disclose an encryption/decryption server operative with the at least one computer processor for encrypting/decrypting the electronic messages in electronic mail format as inherent features of email format.

17. As per claims 12,26 Joao-Edmonds disclose a subject comprising a message index; and attached files comprising at least one command file and at least one database table file as inherent features of database.

18. As per claims 13,27 Joao-Edmonds disclose an encryption/ decryption server operative with the at least one computer processor for encrypting/ decrypting at least one command file and/or at least one database table file as inherent features of database.

19. As per claims 14,28 Joao-Edmonds disclose a consecutive byte string absent delimiters as inherent feature of modify operation.

20. As per claims 15,29 Joao-Edmonds disclose a transaction identification, a number of commands in the byte string and a command body as inherent feature of modify operation or alternator operation.

21. As per claims 16,30 Joao-Edmonds disclose a length of the command body, a command identification, computer managed opening identification, computer managed opening sub-identification and at least one command parameter [Joao, command code identification, col 31 lines 45-55].

22. As per claims 17,31 Joao-Edmonds disclose the one or more computer managed openings are configured to generate reply messages which are converted into electronic mail format by the local gateway [Edmonds, email server and lock management, col 4 line 58-col 5 line 2; Web server and gateway, col 8 lines 42-56].

23. As per claims 18,32 Joao-Edmonds disclose at least one of a transaction identification or a message index; a contents which comprises a predefined success or failure indication; and attached files comprising at least one database table file as inherent features of database.

24. As per claims 19,33 Joao-Edmonds disclose an encryption/decryption server operative with the at least one computer processor for encrypting/decrypting at least one command file and/or at least one database table file as inherent features of database.

25. As per claim 20, Joao-Edmonds disclose three computer processors and wherein each of the web server, database server and application server each are operative with a separate one of the three computer processors [Joao, Internet server 952 and associated server 953, Fig 11B; [database 25, col 26 lines 47-62; database 35, col 27 lines 20-40; database 155, col 28 lines 1-13].

26. As per claims 35,37 Joao-Edmonds disclose a file transfer protocol server operative with a computer processor and configured to communicate with the web browser for converting the system commands into a format compatible with that used by access points and for downloading the system commands to a portable device for transfer to a particular controller as inherent feature of web server.

27. As per claim 38, Joao-Edmonds disclose the similar limitations as set forth in claim 1 except processing the request at the remote computer managed opening server in order to generate an acknowledgement of the request and to generate one or more system commands [Joao, remote system, col 18 lines 58-67].

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28. As per claim 39, Joao-Edmonds disclose the similar limitations as set forth in claim 1 except the step of selecting the appropriate electronic format is also performed by the application server and comprises selecting file transfer protocol for the system commands where the computer managed opening is stand-alone based as inherent features of Web server and email server.

29. As per claim 40, Joao-Edmonds disclose communicating the system commands in file transfer protocol to the web server for communication to the web browser where the computer managed opening is stand-alone, whereupon an administrator may download and transfer the system commands to a controller; and communicating the system commands to a mail server in electronic mail message format for communication thereof to a local mail server, the local mail server communicating the system commands to a local gateway which translates the system commands into another format for communication to one or more controllers as inherent features of Web server, gateway and email server.

30. As per claim 41, Joao-Edmonds disclose a command identification, a length of one or more commands and at least one command [Joao, command code identification, col 31 lines 45-55].

31. As per claim 42, Joao-Edmonds disclose the electronic messages in electronic format comprises: a subject comprising a message index; and attached files comprising

at least one command file and at least one database table file as inherent features of database.

32. As per claim 43, Joao-Edmonds disclose encrypting and decrypting the command file and/or the database table file as inherent features of database.

33. As per claim 44, Joao-Edmonds disclose a consecutive byte string absent delimiters.

34. As per claim 45, Joao-Edmonds disclose a transaction identification, a number of commands in the consecutive byte string and a command body [Joao, command code identification, col 31 lines 45-55].

35. As per claim 46, Joao-Edmonds disclose a length of the command body, a command identification, computer managed opening identification, computer managed opening sub identification and at least one command parameter [Joao, command code identification, col 31 lines 45-55].

36. As per claim 47, Joao-Edmonds disclose generating reply messages by the computer managed opening and the reply messages being in electronic mail format as inherent feature of email message.

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37. As per claim 48, Joao-Edmonds disclose a subject which comprises at least one of a transaction identification or a message index; a contents which comprises a predefined success or failure indication; and attached files comprising at least one database table file as inherent features of database.

38. As per claim 49, Joao-Edmonds disclose encrypting and decrypting the reply messages as inherent feature of email message.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571)-272-3904.

The examiner can normally be reached on Monday-Thursday from 7:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (571) 272-3896.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Thong Vu
Patent Examiner
Art Unit 2142

